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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------|------------------|
| 09/903,040 | 07/10/2001 | Daniel L. Moore | 18235-05005 | 9909 |
| 20306 | 7590 | 09/01/2006 | EXAMINER | |
| MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP | | | WILLIAMS, LAWRENCE B | |
| 300 S. WACKER DRIVE | | | ART UNIT | |
| 32ND FLOOR | | | PAPER NUMBER | |
| CHICAGO, IL 60606 | | | 2611 | |

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

09/903,040

Examiner

Lawrence B. Williams

Applicant(s)

MOORE, DANIEL L.

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 25 May 2006 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☐ Other: _____

EMMANUEL BAYARD
PRIMARY EXAMINER

DETAILED ACTION

Response to Amendment

1. The reply filed on 25 May 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has failed to respond to rejections of claims 1-3, 6-16, 18-20, 23-31, 34-51, 53-58. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Response to Arguments

2. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Flood et al. and Litwin teach the synchronization of multiple devices. Also Flood et al teaches, as applicant has asserted a control strategy (data) stored in controllers. This control strategy is accessed via a separate network, and along with the synchronization network allows for performing of process operations. One of ordinary skill in the art would

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readily recognize from the disclosure of the cited references that the synchronization and accessing of data could be used in the synchronization and accessing of audio, video data or a combination thereof since they are in fact, forms of data. Therefore the rejections of claims 1-58 are maintained.

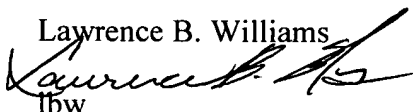
Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence B Williams whose telephone number is 571-272-3037. The examiner can normally be reached on Monday-Friday (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ghayour Mohammad can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

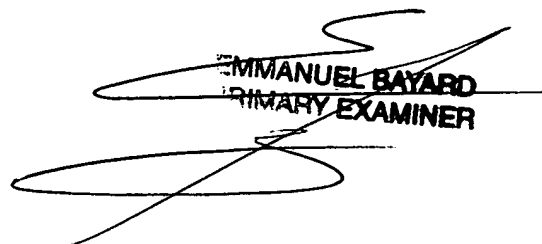
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence B. Williams



lbw

August 29, 2006



EMMANUEL BAYARD
PRIMARY EXAMINER